

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 1:12-cv-134-HSO-RHW

**STEWART GAMMILL, III and
LYNN CROSBY GAMMILL**

DEFENDANT

**JOINT MOTION TO EXTEND THE DUE DATE OF
DEFENDANT'S ANSWER TO COMPLAINT**

Come now the United States of America, Plaintiff, and Lynn Crosby Gammill, Defendant, and move the Court to extend the due date of Defendant's answer to the Complaint in this action by ninety days to March 31, 2015 so that the parties will have adequate time to document and finalize a proposed settlement of all of the claims and issues in this action. In support of this Motion, the parties state as follows:

1. The Court has granted a series of extensions of the deadline for Defendant to answer the Complaint in this action. These extensions were jointly requested by the parties in order to allow sufficient time in which to continue in their attempts to settle the claims and issues in this action through mediation. These efforts resulted in the settlement of all of the claims of the United States against Stewart Gammill, III. *See* Document 17 and 18. The parties were unable to settle the claims against Mrs. Gammill at that time.

2. Following the settlement of the claims against Mr. Gammill, the parties continued in their efforts to reach a settlement with respect to Mrs. Gammill. On March 25, 2014, the parties participated in a mediation session in Atlanta. This mediation resulted in a settlement of all of the United States' claims against Mrs. Gammill.

3. Although the parties have agreed to settle all claims, additional time is needed to finalize the settlement agreement. The terms of the settlement are subject to approval by

the appropriate officials with the Department of Justice and the Environmental Protection Agency who have final settlement authority. The necessary settlement documents and consent decree have been drafted and will be submitted to the Department of Justice and the Environmental Protection Agency for approval. After approval, the consent decree will be presented to the Court for entry, which will result in a dismissal of all of the claims against Mrs. Gammill.

4. The parties are working diligently to finalize the terms of Mrs. Gammill's settlement. This settlement, however, is complicated because the parties are also working with the City of Picayune and others to resolve the issue of the future reuse of the property by the community, and this effort will take substantially more time than required for the finalization of Mrs. Gammill's decree alone. As a result, the parties need additional time to resolve these issues and finalize the consent decree.

5. Presently, Mrs. Gammill's answer is due on December 30, 2014. The parties will not be able to finalize the settlement by that deadline. Thus, in order to have an adequate amount of time to finalize the settlement of the claims against Mrs. Gammill, the parties move the Court to extend the deadline for Mrs. Gammill to answer the Complaint by ninety days. Granting the requested extension will allow the parties time to finalize the settlement, thereby disposing of this case in its entirety.

WHEREFORE, PREMISES CONSIDERED, the parties jointly move the Court to extend the due date of Mrs. Gammill's answer to the Complaint by ninety days to March 31, 2015, so that they may continue in their efforts to finalize the settlement documents and present the consent decree to the Court.

This the 16th day of December, 2014.

Respectfully submitted,

UNITED STATES OF AMERICA

s/Cheryl A. Luke

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CERTIFICATE OF SERVICE

I, Christy Sparks, do hereby certify that on December 16, 2014, I electronically filed the foregoing with the Clerk of this Court, using the ECF system, which sent notification of such filing to the following:

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